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BOOK REVIEWS.

A DIGEST OF INTERNATIONAL LAW. By JOHN BASSETT MOORE. Washington, D. C.: Government Printing Office. 1906. 8 volumes.

This work is much more than a mere digest; it is also a treatise and contains much matter of an expository nature. As the author points out in his admirable preface, instead of merely quoting extracts from particular documents, he usually gives the "history of the cases in which they were issued." Moreover, he generally states the underlying principles governing a given topic, either in his own language or in that of other leading authorities. For example, under the head of "Questions of Asylum" (Vol. II. §§ 291-307), in addition to cases and extensive citations from the documents, an outline of the historical development of the so-called "right of asylum" is given with a view of showing what principles have been at work since the beginning.

In order to convey some idea of the broad scope and superior character of this monumental work, the reviewer has thought it best to compare certain chapters with similar portions of Wharton's "Digest," and to call attention in a few instances to certain additions and differences of treatment.

The chapter (Vol. I., ch. II.) on "States: Their Characteristics and Classification" is wholly new, and contains much valuable data bearing on the definition of the state, the ideas of sovereignty and independence, the classification of states, the distinction between state and government, and the fundamental rights and duties of states.

Chapter III. deals with "States: Their Recognition and Continuity." Many important documents bearing on the recognition of belligerency and independence are contained in Wharton's "Digest," but Professor Moore gives the underlying principles governing these subjects as well as a detailed history of particular cases. In other words, he furnishes a monograph or treatise on the subject which must be well-nigh exhaustive. Especially novel, useful, and interesting is the section (§72) headed "Acts Falling Short of Recognition."

In chapter IV., entitled "Sovereignty: Its Acquisition and Loss," the student will find not merely a digest of all important decisions bearing on the law of occupation, cession and conquest, etc., but he is given a ready access for the first time to recent decisions and controversies bearing upon the effects of a change of sovereignty on public and private law, on revenue laws (the Insular cases), on public debts (*e. g.*, the Hawaiian and Cuban debts), on contracts and concessions, etc. (*e. g.*, case of Madagascar, the Cuban and Porto Rican cases, Manila Railway Co., etc.). In this chapter the future historian will also find much valuable material for a history of the territorial expansion of the United States.

Chapter IX. in Vol. III. on "Interoceanic Communications" contains matter relating to the regulation of the republic of Panama which should perhaps have been included in chapter III.

On "Nationality" (Vol. III., ch. X.) we have 540 instead of 220 pages, which Dr. Wharton devotes to "Citizenship, Naturalization, and Alienage" (the latter including sections on "Passports," "Domicile" and "Aliens"), subjects of which Professor Moore makes separate chapters. In the brief chapter on "Domicile" we have ready access for

the first time to the full substance of the correspondence relating to the famous Koszta case—the perusal of which will tend to remove some of the misconceptions which have hitherto prevailed regarding Mr. Marcy's views on that subject. It is to be regretted, however, that more space is not devoted to the important topic of "Belligerent" or "Commercial Domicile"—a deficiency which is only partly remedied in Vol. VII., ch. XXIV, (§ 1189).

Especially interesting at this time is the chapter on "Aliens" (Vol. IV, ch. XIII.), more particularly the sections (§§ 552-556) dealing with discriminations on grounds of race or creed and those (§§ 567-578) relating to the exclusion of the Chinese and the power to regulate immigration (§§ 561-563).

In view of recent discussions bearing on the extent and scope of the treaty-making power, sections 736 and 752-756 (Vol. V., ch. XVII.) should also prove particularly useful and interesting. If those interested in the present "Japanese Question" wish to understand the limitations of the most-favored-nation clause, they should consult § 765.

Chapter XVIII. (in Vol. V.), entitled "Continental and Diplomatic Relations," contains nearly 500 pages of material bearing upon the history of our diplomatic and contractual relations with other countries, much of which has hitherto been practically inaccessible to the ordinary student.

Vol. VI. deals with the closely related topics of "Intervention," "The Monroe Doctrine," and "Claims." They add materially to our knowledge of these important subjects. The recognition of Panama should perhaps have been included as an example of intervention. The chapter on the "Monroe Doctrine" is a masterpiece. It adds not merely to our knowledge of the later history of the doctrine, but to its early history or genesis as well. The reviewer has had occasion to examine and compare the chapter (XXI.) on "Claims" with the analogous chapter in Wharton's "Digest" in some detail, and is, therefore, in a position to lay special emphasis upon its superior excellence, accuracy, and fullness, although this was one of Wharton's best chapters. Wharton, *e. g.*, devotes but three pages to "Claims Based on Mob Injuries," whereas Moore gives seventy-four to the same topic (§§ 1022-1031). It is to be regretted, however, that Professor Moore omits several important passages in Webster's dispatch to Mr. Calderon dealing with the anti-Spanish riots at New Orleans and Key West in 1851.

Limitations of space forbid us from commenting on the contents of Vol. VII. which deals mainly with questions relating to war and neutrality.

In the preparation and completion of this work Professor Moore has performed another veritable labor of Hercules. This task was even greater than that undertaken in his "History and Digest of Arbitrations" (6 vols. Washington, 1898), and it has been accomplished with at least equal accuracy, diligence, and thoroughness. The need for a new "Digest of International Law" was so crying, the defects of Wharton's "Digest" (a work nevertheless remarkable for the originality and ingenuity of its design) were so considerable, and the execution of the work before us is so adequate to our needs, that it is difficult to speak of it except in terms which to the "scientific" critic might seem to be the language of flattery or hyperbole. Indeed, by the publication of this, as of his former works, the author has placed statesmen and diplomatists as well as students of international law and diplomacy under an enormous and permanent debt of gratitude.